

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

OPTIMAL DYNAMIC AGENT STATE ASSIGNMENT

the specification of which

(check one) ☒ is attached hereto.

☐ was filed on _____
as U.S. Application Serial No. _____.

☐ was filed on _____
as PCT International Application No. PCT / _____.

and (if applicable) was amended on _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §§ 1.56(a) and (b), which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practised or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application,
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."

I hereby claim foreign priority benefits under 35 United States Code, § 119 and/or § 365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing of this application:

PRIOR FOREIGN APPLICATION(S)

<u>Number</u>	<u>Country</u>	<u>Filing Date</u> <u>(Day/Month/Year)</u>	<u>Date First</u> <u>Laid-open or</u> <u>Published</u>	<u>Date</u> <u>Patented</u> <u>or Granted</u>	<u>Priority</u> <u>Claimed?</u>
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none

I hereby claim the benefit under 35 United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>Application Number</u>	<u>Filing Date</u>
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none

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

PRIOR U.S. OR PCT APPLICATION(S)

<u>Application No.</u>	<u>Filing Date</u> <u>(day/month/year)</u>	<u>Status</u> <u>(pending, abandoned, granted)</u>
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none

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both,

under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following patent agents with full power of substitution, association and revocation to prosecute this application and/or international application and to transact all business in the Patent and Trademark Office connected therewith:

JOHN R. MORRISSEY (Reg. No. 28585)
KELTIE R. SIM (Reg. No. 34535)
ALISTAIR G. SIMPSON (Reg. No. 37040)
MATTHEW ZISCHKA (Reg. No. 41575)

GUNARS GAIKIS (Reg. No. 32811)
RONALD D. FAGGETTER (Reg. No. 33345)
YOON KANG (Reg. No. 40386)
YWE LOOPER (Reg. No. 43758)

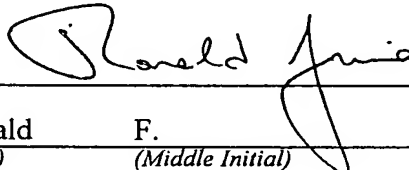
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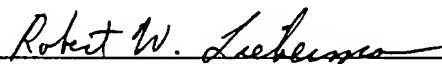
Facsimile: (416) 591-1690

1) INVENTOR'S SIGNATURE:  Date: Dec. 10th, 99
Inventor's Name: Ronald F. Gruia
(First) (Middle Initial) (Family Name)

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(City, Province, Country)

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2) INVENTOR'S SIGNATURE:  Date: Dec 10, 99
Inventor's Name: Robert W. Lieberman
(First) (Middle Initial) (Family Name)

Country of Citizenship: Canada

Residence: Unionville, Ontario, Canada Thornhill, Ontario
(City, Province, Country)

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26 Teagarden Court, Thornhill 91436-216 (Case 11186STUS01U)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Ronald F. Gruia, et al.

For : OPTIMAL DYNAMIC AGENT STATE ASSIGNMENT

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF NON-AUTHORIZATION TO CHARGE
ADDITIONAL FEES WITH RESPECT TO THE CONTINUATION
APPLICATION FILED CONCURRENTLY HEREWITH

Dear Sir:

A Power of Attorney or Authorization of Agent and Statement Under 37 C.F.R. 3.73(b) were submitted to the United States Patent and Trademark Office in parent application Serial No. 09/459,691. A copy of each document is enclosed herewith. By virtue of this new Power of Attorney, all previous powers of attorney were revoked by the Assignee of this application.

The filing fee for this Continuation Application is not authorized to be charged to any deposit account.

Respectfully submitted,

DAVIS MUNCK, P.C.



Robert D. McCutcheon
Registration No. 38,717

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DOCKET NO. 11186STUS01U (NORT10-00236)
Customer No. 33000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Ronald F. Gruia, et al.
Serial No. : 09/459,691
Filed : December 13, 1999
For : OPTIMAL DYNAMIC AGENT STATE ASSIGNMENT
Group No. : 2642
Examiner : C.H. Smith

BOX NON-FEE AMENDMENT

Commissioner for Patents
Washington, D. C. 20231

Sir:

STATEMENT UNDER 37 C.F.R. 3.73(b)

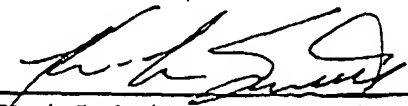
Nortel Networks Limited, a Canadian corporation, states that it is:

The assignee of the entire right, title, and interest in the patent application identified above
by virtue of:

An assignment from the inventor(s) of the patent application identified above. The
assignment was recorded in the United States Patent and Trademark Office at Reel 010457, Frame
0584, or for which a copy thereof is attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 19-Dec-2002


Kevin L. Smith, Reg. No. 38,620
Senior IP Attorney

Please type a plus sign (+) inside this box → 

PTO/SB/81 (02-01)

Approved for use through 10/31/2002, OMB 0851-0035

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1985, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY OR
AUTHORIZATION OF AGENT**

Application Number	09/459,691
Filing Date	December 13, 1999
First Named Inventor	Ronald F. Gruia
Title	Optimal Dynamic Agent State Assignment
Group Art Unit	2642
Examiner Name	C.H. Smith
Attorney Docket Number	11186STUS01U (NORT10-00236)

I hereby appoint:

☒ Practitioners at Customer Number

33000 →

Place Customer
Number Bar Code
Label here
☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number
Place Customer
Number Bar Code
Label here

OR

☐ Firm or
Individual Name

Address

Address

City

State

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Country

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I am the:

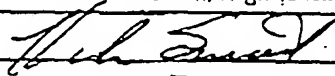
☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
SIGNATURE of Applicant or Assignee of Record

Name

Kevin L. Smith, Registration No. 38,620

Signature



Date

19-Dec-2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual user. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND PRESS OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.